

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

<p>ANDREW CORZO, et al., individually and on behalf of all others similarly situated,</p> <p style="text-align: center;"><i>Plaintiffs,</i></p> <p style="text-align: center;">v.</p> <p>BROWN UNIVERSITY, et al.,</p> <p style="text-align: center;"><i>Defendants.</i></p>	<p>Case No. 1:22-cv-00125</p> <p style="text-align: center;">Hon. Matthew F. Kennelly</p>
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JOINT MOTION TO REVISE CERTAIN BRIEFING DEADLINES AND FOR CLARIFICATION OF THE COURT'S NOVEMBER 20 ORDER (ECF 745)

This Motion requests modification of the intermediate class certification and *Daubert* briefing deadlines and seeks clarification of the page limits for *Daubert* motion briefing, as set forth below.

I. Briefing Deadlines

In the Joint Status Report filed on November 19, 2024, Defendants submitted an unopposed request that their deadline for responding to Plaintiffs' motion for class certification be extended by one month, and that Plaintiffs' reply deadline likewise be extended by one month. This request arose because of an anomaly Defendants identified in the case calendar that is a holdover from a previous schedule under which Defendants' 4-week opposition period included no holidays while Plaintiffs' nearly-8-week reply period included the Thanksgiving and December holidays; the currently existing schedule is reversed: Defendants' 4-week opposition period spans the December holidays, and Plaintiffs' nearly-8-week reply period does not. Perhaps because the schedule proposed on November 19, 2024, would have extended the date of the final brief beyond the current deadline of March 7, 2025, to April 7, 2025, the Court denied

Defendants' request. *See* Dkt. 745. In recognition of the Court's previous statements that it would not entertain future requests for extensions of the overall case schedule and to address unintended burdens on all Parties owing to short briefing periods spanning the holidays, the Parties hereby respectfully submit this Joint Motion to request that the Court modestly adjust the intermediate class certification and *Daubert* briefing deadlines, while leaving all other deadlines in place and causing no overall delay.

By way of background, in the original case management order (Dkt. 195), the only briefing that was scheduled to take place over the holidays was Plaintiffs' reply in support of class certification. In recognition of the holidays, the Parties agreed to include in the schedule additional time for Plaintiffs to draft that brief. Plaintiffs' class certification motion was due October 18, 2024; Defendants' opposition deadline was November 15, 2024 (4 weeks later); and Plaintiffs' reply deadline was January 8, 2025 (nearly 8 weeks later). Dkt. 195. Plaintiffs later sought an extension of the discovery deadline and all following deadlines, *see* Dkt. 499, and the Court shifted all deadlines back by roughly 49 days, Dkt. 544. Under the schedule as then revised, the briefing that would be taking place during the holiday season would be Defendants' opposition to class certification and both sides' oppositions to one another's *Daubert* motions—yet the unusual allocation of time agreed to in the original case management order remained unchanged, with the schedule allotting 4 weeks over the holidays for Defendants to draft their opposition to class certification and for the Parties to draft *Daubert* oppositions, followed by nearly 8 weeks from mid-January to early March for Plaintiffs to draft their class certification reply.

Under the schedule the Parties propose today, all briefing would conclude by the date set forth in the current schedule; only intermediate deadlines would be adjusted. This would ensure

that Defendants have adequate time to respond to Plaintiffs' class certification motion and all Parties have adequate time to respond to one another's *Daubert* motions, even with the briefing periods for those responses spanning the holidays—while the overall case schedule would remain unchanged:

<u>EVENT</u>	<u>CURRENT DEADLINE</u>	<u>PROPOSED DEADLINE</u>
Motion for Class Certification and <i>Daubert</i> Motions	December 16, 2024	Unchanged
<i>Daubert</i> Oppositions	January 13, 2025	January 24, 2025
Class Certification Opposition	January 13, 2025	January 31, 2025
<i>Daubert</i> Replies	February 18, 2025	February 25, 2025
Class Certification Reply	March 7, 2025	Unchanged

II. Clarification of the Court's November 20 Order (Dkt. 745)

In the November 19 Joint Status Report, the Parties provided the Court with their proposal on Daubert page limits. Defendants understood that proposal to embody an agreement between the Parties that as to each expert, a Daubert motion (if any) would be limited to 25 pages, an opposition would be limited to 25 pages, and a reply would be limited to 15 pages; Plaintiffs did not focus on whether these limits would apply to each expert individually or to all experts collectively. Defendants understood the Court's November 20 order (ECF 745) stating that it had "reviewed the parties' joint status report" and "approved" the Parties' proposal as implementing the per-expert limits Defendants had agreed to; Plaintiffs understood the plain language "in the aggregate" in Your Honor's November 20 Order to mean collectively. The Parties therefore have differing understandings of the Court's order and jointly request that the Court clarify its intent.

If the Court's intent was to impose page limits applicable to all experts collectively, then Defendants would ask that the Court set higher page limits to account for the significance of this case and the scope of the opinions being offered—each side has identified four retained experts, and the experts on each side have given dozens of hours of testimony and provided numerous reports spanning hundreds of pages on a vast array of topics. Defendants would therefore respectfully request that the Court adopt higher aggregate page limits for Daubert briefing in light of the magnitude of this case: 60 pages for each side's omnibus opening Daubert brief covering all experts they seek to challenge, 60 pages for each side's omnibus opposition brief, and 40 pages for each side's omnibus reply. Plaintiffs do not oppose this request.

Dated: December 3, 2024

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